

The Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAIGE A. THOMPSON,

Defendant.

NO. CR19-159-RSL

**MOTION FOR ENTRY OF A  
COMBINED PRELIMINARY  
ORDER OF FORFEITURE AND  
ORDER OF FORFEITURE**

The United States, by and through its undersigned counsel, moves pursuant to Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”) 32.2(b) for entry of a Combined Preliminary Order of Forfeiture and Order of Forfeiture, seeking to forfeit, to the United States, Defendant Paige A. Thompson’s interest in the following property (collectively, the “Subject Property”):

1. A sum of money in the amount of approximately \$10,014.00, reflecting the proceeds the Defendant obtained from the following two offenses:

a. The *Wire Fraud* scheme, in violation of Title 18, United States Code, Section 1343 (Count 1). All proceeds of the *Wire Fraud* scheme are

1 forfeitable pursuant to Title 18, United States Code, Section  
 2 981(a)(1)(C), by way of Title 28, United States Code, Section  
 3 2461(c); and

4 b. *The Transmitting a Program, Information, Code, or Command to a*  
 5 *Computer, Intending to Cause Damage* offense, in violation of  
 6 Title 18, United States Code, Sections 1030(a)(5)(A) and (c)(4)(B)(i)  
 7 (Count 8). All proceeds of this offense are forfeitable pursuant to  
 8 Title 18, United States Code, Sections 982(a)(2)(B) and 1030(i).

9 Counts 1 and 8 cover the same time period and encompass the same  
 10 proceeds. The United States seeks forfeiture of a single sum of money of  
 11 approximately \$10,014.00 (“Subject Property 1”).

12 2. Any property used or intended to be used to commit or to facilitate the  
 13 commission of *Unlawfully Obtaining Information of a Card Issuer (Capital*  
 14 *One)*, in violation of Title 18, United States Code, Sections 1030(a)(2)(A)  
 15 and (C), and (c)(2)(A) and (B)(iii) (Count 2); *Unlawfully Obtaining*  
 16 *Information from a Protected Computer*, in violation of Title 18,  
 17 United States Code, Sections 1030(a)(2)(C), and (c)(2)(A) and (B)(iii)  
 18 (Counts 4-5); *Unlawfully Obtaining Information from a Protected*  
 19 *Computer*, in violation of Title 18, United States Code, Sections  
 20 1030(a)(2)(C), and (c)(2)(A) (Counts 6-7); and *Transmitting a Program,*  
 21 *Information, Code, or Command to a Computer, Intending to Cause*  
 22 *Damage*, in violation of Title 18, United States Code, Sections  
 23 1030(a)(5)(A) and (c)(4)(B)(i) (Count 8). This property is forfeitable  
 24 pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and  
 25 1030(i), and includes:

26 //

a. A Dell Laptop S/N: JKQKJM2 with power cord  
 (“Subject Property 2”); and

b. A white Desktop Computer Custom Built (“Subject Property 3”).

The parties agreed to waive a jury determination of forfeiture and to submit this matter to the Court. *See* Dkt. No. 331. This motion is based on the following facts, which are reflected in the record.

### **I. Order of Forfeiture**

The United States submits that entry of an Order of Forfeiture of a sum of money in the amount of approximately \$10,014.00 (Subject Property 1) is appropriate because:

#### **A. Wire Fraud:**

- The Defendant has been convicted of *Wire Fraud*, in violation of Title 18, United States Code, Section 1343, as charged in Count 1 (Dkt. Nos. 166, 355);
- Property that constitutes or is traceable to proceeds of a *Wire Fraud* scheme is subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c);
- The evidence presented at trial established the Defendant obtained proceeds from the *Wire Fraud* scheme of approximately \$10,014.00;
- The evidence in the record established the requisite nexus between the sum of money of approximately \$10,014.00 (Subject Property 1) and the offense of conviction (*Wire Fraud*), pursuant to Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”) 32.2.(b)(1)(A)-(B).

#### **B. Transmitting a Program, Information, Code, or Command to a Computer, Intending to Cause Damage:**

- The Defendant has been convicted of *Transmitting a Program, Information, Code, or Command to a Computer, Intending to Cause*

1                    *Damage*, in violation of Title 18, United States Code, Section  
 2                    1030(a)(5), as charged in Count 8 (Dkt. Nos. 166, 335);

- 3                    • Property that constitutes or is traceable to proceeds of *Transmitting a*  
 4                    *Program, Information, Code, or Command to a Computer, Intending*  
 5                    *to Cause Damage* is subject to forfeiture pursuant to Title 18,  
 6                    United States Code, Sections 982(a)(2)(B) and 1030(i);
- 7                    • The evidence presented at trial established the Defendant obtained  
 8                    proceeds from the *Transmitting a Program, Information, Code, or*  
 9                    *Command to a Computer, Intending to Cause Damage Wire Fraud*  
 10                    offense of approximately \$10,014.00;
- 11                    • The evidence in the record established the requisite nexus between the  
 12                    sum of money of approximately \$10,014.00 (Subject Property 1) and  
 13                    the offense of conviction (*Transmitting a Program, Information,*  
 14                    *Code, or Command to a Computer, Intending to Cause Damage*),  
 15                    pursuant to Fed. R. Crim. P. 32.2.(b)(1)(A)-(B).

16                    C.     *Evidence Presented at Trial*

17                    At trial, Federal Bureau of Investigation (“FBI”) Computer Scientists (“CS”)   
 18                    Waymon Ho and Vincent Kenney testified about the cryptomining computer scripts   
 19                    located on Thompson’s computers. *See* Trial Tr. Vol. 4, 6/10/22, pp. 57-75, 183-189   
 20                    (Dkt. No. 342). These scripts were admitted in evidence. *See* Trial Exhibits 800-802. The   
 21                    scripts were designed to deposit cryptojacking proceeds into a specific cryptocurrency   
 22                    wallet identified as: “Ox5a86a65521aac657ca820e245185065b915ea745.” *See* Trial   
 23                    Exhibit 800.

24                    FBI CS Kenney analyzed the deposits into the wallet and determined that that total   
 25                    amount of deposits was \$10,014.03. Vol. 4, 6/10/22, p. 75 (Dkt. No. 342); *see also* Trial   
 26                    Exhibit 855. This amount is consistent with statements the Defendant made regarding the   
 27                    amount of money she was making through cryptojacking. *See* Trial Exhibit 502 (text

1 messages indicating that she was making approximately \$5,000 per month in  
 2 cryptojacking, which she referred to as “hacker money”); *see also* Vol. 4, 6/10/22, p. 55  
 3 (Dkt. No. 342).

## 4 **II. Preliminary Order of Forfeiture**

5 The United States submits that entry of a Preliminary Order of Forfeiture  
 6 regarding Subject Properties 2 and 3 is appropriate because:

### 7 A. Unlawfully Obtaining Information of a Card Issuer (Capital One):

- 8 • The Defendant has been convicted of *Unlawfully Obtaining*  
 9 *Information of a Card Issuer (Capital One)*, in violation of Title 18,  
 10 United States Code, Section 1030(a)(2), as charged in Count 2 (Dkt.  
 11 Nos. 166, 335);
- 12 • Property that was used or intended to be used to commit or to facilitate  
 13 the commission of *Unlawfully Obtaining Information of a Card Issuer* is  
 14 subject to forfeiture pursuant to Title 18, United States Code, Sections  
 15 982(a)(2)(B) and 1030(i);
- 16 • The evidence presented at trial established that Subject Properties 2  
 17 and 3 were used or intended to be used to commit or to facilitate the  
 18 Defendant’s commission of *Unlawfully Obtaining Information of a*  
 19 *Card Issuer*;
- 20 • The evidence in the record established the requisite nexus between  
 21 Subject Properties 2 and 3 and the offense of conviction, *Unlawfully*  
 22 *Obtaining Information of a Card Issuer*, pursuant to Fed. R. Crim. P.  
 23 32.2.(b)(1)(A)-(B).

### 24 B. Unlawfully Obtaining Information from a Protected Computer:

- 25 • The Defendant has been convicted of *Unlawfully Obtaining*  
 26 *Information from a Protected Computer*, in violation of Title 18,  
 27

United States Code, Section 1030(a)(2), as charged in Counts 4 – 7 (Dkt. Nos. 166, 335);

- Property that was used or intended to be used to commit or to facilitate the commission of *Unlawfully Obtaining Information from a Protected Computer* is subject to forfeiture pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1030(i);
- The evidence presented at trial established that Subject Properties 2 and 3 were used or intended to be used to commit or to facilitate the Defendant's commission of one or more of the *Unlawfully Obtaining Information from a Protected Computer* offenses;
- The evidence in the record established the requisite nexus between Subject Properties 2 and 3 and the offenses of conviction (*Unlawfully Obtaining Information from a Protected Computer*), pursuant to Fed. R. Crim. P. 32.2.(b)(1)(A)-(B).

C. *Transmitting a Program, Information, Code, or Command to a Computer, Intending to Cause Damage:*

- The Defendant has been convicted of *Transmitting a Program, Information, Code, or Command to a Computer, Intending to Cause Damage*, in violation of Title 18, United States Code, Section 1030(a)(5), as charged in Count 8 (Dkt. Nos. 166, 335);
- Property that was used or intended to be used to commit or to facilitate the commission of *Transmitting a Program, Information, Code, or Command to a Computer, Intending to Cause Damage* is subject to forfeiture pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1030(i);

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- The evidence presented at trial established that Subject Properties 2 and 3 were used or intended to be used to commit or to facilitate the Defendant's commission of the Defendant's *Transmitting a Program, Information, Code, or Command to a Computer, Intending to Cause Damage* offense;
- The evidence in the record established the requisite nexus between Subject Properties 2 and 3 and the offense of conviction (*Unlawfully Obtaining Information from a Protected Computer*), pursuant to Fed. R. Crim. P. 32.2.(b)(1)(A)-(B).

D. Evidence Presented at Trial

The evidence presented at trial proved that the two computers identified as Subject Properties 2 and 3 were used or intended to be used to commit or to facilitate the Defendant's offenses. FBI CS Waymon Ho testified about the hacking evidence that he analyzed on Subject Properties 2 and 3 – two digital devices that were seized from the Defendant's bedroom on July 29, 2019: (1) a large custom-built, white, desktop computer assigned FBI evidence number 1B-52; and (2) a laptop assigned FBI evidence number 1B-2. *See* Trial Tr. Vol. 4, 6/10/22, pp. 97-105; *see also* Trial Exhibits 601-612. CS Ho testified extensively about the hacking evidence that he located on these devices, including, but not limited to, hacking scripts, bash history, and victim data. *See generally* Trial Tr. Vol. 4, 6/10/22, p. 104; *see also* Trial Exhibits 601-612.

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1 To comply with the timing requirements of Fed. R. Crim. P. 32.2(b)(2)(B), the  
2 United States now moves for entry of an Order of Forfeiture forfeiting the Defendant's  
3 interest in Subject Property 1 and a Preliminary Order of Forfeiture forfeiting the  
4 Defendant's interest in Subject Properties 2 and 3. A proposed Combined Order is  
5 submitted with this motion.

6  
7 DATED this 3rd day of October, 2022

8  
9 Respectfully submitted,  
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27



**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2022, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system, which automatically serves the parties of record.

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